

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

KEITH LOWE,

Plaintiff,

v.

**Civ. Act. No: 2:25cv272
Judge Thomas Johnston**

SUPERINTENDENT JOHN FRAME, et al.,

Defendants.

AFFIDAVIT OF BREN J. POMPONIO

I, Bren J. Pomponio, hereby state the following facts are true to the best of my knowledge and belief:

1. I am a practicing attorney in Charleston, West Virginia, and I am presently Litigation Director for Mountain State Justice, Inc. I have been a member of the West Virginia Bar since October 1998. I am also admitted to practice before the United States Court of Appeals for the Fourth and Third Circuits, the United States District Court for the Southern District of West Virginia, and the United States District Court for the Northern District of West Virginia

2. I graduated from the West Virginia University College of Law in the top three in my class and graduated Order of the Coif. I was managing editor of the West Virginia Law Review.

3. After graduation from law school, I served as a law clerk for The Honorable Joseph R. Goodwin and The Honorable Charles H. Haden II, Chief Judge of the United States District Court for the Southern District of West Virginia.

4. I have extensive experience serving as counsel in civil rights litigation and as class counsel in numerous complex litigation.

5. I have been qualified by the Circuit Court of Kanawha County, West Virginia, and have testified as an expert on the market rate for consumer attorneys in West Virginia. *See State ex rel. Morrissey v. Cashcall, Inc.*, No. 08-C-00964, slip op. at 3 (Cir. Ct. Kan. Cty. Mar. 13, 2013).

6. I have conducted trainings and continuing legal education both locally in West Virginia, regionally, and at national conferences including classes specifically focused on attorney's fees recoverable in cases.

7. As a result, I am very familiar with the prevailing market rates for attorney's fees in West Virginia.

8. According to contemporary time records that I regularly create and maintain, I have accumulated attorney fees in the following manner \$747.50 pertaining to Plaintiff's motion to enforce the preliminary injunction, for contempt, and for sanctions.

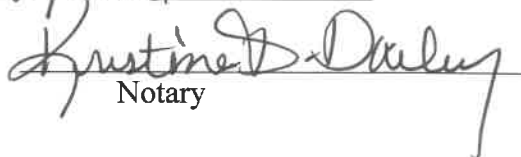
9. During the course of compiling my time records, I have sought to exercise billing judgment and sought to keep to a minimum the number of billed hours.

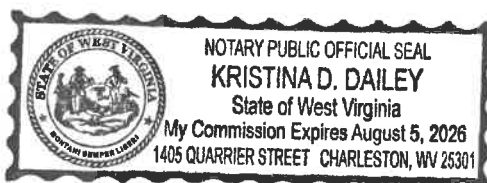
10. No part of any fee award will inure to my personal benefit. Mountain State Justice, however, depends on fee awards to continue its work serving low-income and disempowered communities in West Virginia.

FURTHER AFFIANT SAYETH NAUGHT.


BREN J. POMPONIO

Taken, subscribed and sworn to before me this 23rd day of September, 2025. My
Commission expires: August 5, 2026.


Notary



Date	Amount	Billable Time	Task	Reference	User	Description
07/16/2025	\$402.50	42 Minutes	Discussion	Lowe, Keith v Frame et al	Pomponio, Bren	discussion re motion for contempt; strategy discussion
07/24/2025	\$230.00	24 Minutes	Discussion	Lowe, Keith v Frame et al	Pomponio, Bren	Case strategy and motion to enforce.
08/01/2025	\$115.00	12 Minutes	Discussion	Lowe, Keith v Frame et al	Pomponio, Bren	discuss sanctions hearing with LN

\$747.50